

MANASOTA-88

ManaSota-88, Inc.

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US EPA – WD/PGB
61 Forsyth Street SW
Atlanta, GA 30303

ManaSota-88, Inc. recommends **denial of** National Pollutant Discharge Elimination System (NPDES) permit to Kampachi Farms, LLC (Permit No. FL0A00001) and finds the project ***Environmentally Unsatisfactory.***

The initial Environmental Protection Agency (EPA) review of the project has identified adverse environmental impacts that are of sufficient magnitude that the proposed action must not proceed as proposed.

ManaSota-88, Inc. formally requests that the EPA conduct a public hearing and require an Environmental Impact Statement (EIS) for the Kampachi Farms, LLC. project.

Additionally, ManaSota-88, Inc. requests notification of any proposed agency action or agency action for Permit No. FL0A00001.

EPA has the authority to require an EIS under the National Environmental Policy Act, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

ManaSota-88, Inc. (ManaSota-88) is a public interest environmental and public health organization incorporated under the laws of the State of Florida as a not-for-profit corporation. The membership of ManaSota-88 consists of citizens and residents of Florida, including residents living or working in Sarasota County. Members of ManaSota-88 use and enjoy the waters of the Gulf of Mexico, Little Sarasota Bay and Sarasota Bay.

Purpose and need for a Public Hearing & EIS

1. The proposed project will have a substantial adverse impact on Essential Fish Habitat and Federally managed fisheries of the Gulf of Mexico. The project will impact the Florida manatee, loggerhead and green sea turtle migration and will impact Essential Fish Habitat including the penaeid shrimp, red drum, snapper, reef fish, and migratory pelagic fish;
2. The applicant has not provided reasonable assurances that the applicable state and federal water quality standards will not be violated;
3. The applicant has not provided reasonable assurances that the proposed industrial fish farming discharges are in compliance with EPA approved water quality standards with regard to Section 404 of the Clean Water Act;
4. The applicant has not provided reasonable assurances of compliance with Outstanding Florida Water (OFW) water quality standards for the direct, secondary and cumulative impacts of the proposed activities. These include, but are not limited to; the water quality standards for nutrients, turbidity transparency, biological integrity, nuisance conditions, heavy metals and other contaminants, and dissolved oxygen, and including anti-degradation and public interest provisions;
5. The applicant has not provided reasonable assurances that the proposed activity is not contrary to the public interest as set forth in Section 404(b) of the Clean Water Act and Section 102 (a) of the Marine, Protection, Research, and Sanctuaries Act of 1972 and the rules promulgated thereunder;
6. The applicant has not provided reasonable assurances that the cumulative impacts of the proposed project, including applicable past, present and foreseeable cumulative impacts, will not cause violations of any state or federal standard;

7. The applicant has not provided reasonable assurances that the proposed project is consistent with Florida's Coastal Zone Management Program;
8. The applicant has not provided reasonable assurances that hard bottom areas located offshore of Siesta Key and Casey Key will not be impacted. Hard-bottom habitats provide important cover and feeding areas for many fish and invertebrates, including threatened and endangered aquatic species;

APPLICABLE LAWS AND STATUTES

Federal Laws and Statutes:

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
- Section 404 of the Clean Water Act (33 U.S.C. 1344)
- Section 404(b) of the Clean Water Act
- Section 102 (a) of the Marine, Protection, Research, Sanctuaries Act of 1972
- Essential Fish Habitat requirements of the Magnuson-Stevens Fishery Conservation and Management Act
- Coastal Zone Management Act and the National Environmental Policy Act
- Section 404(b)(1) Guidelines for avoidance, minimization, and compensation
- 40 CFR 230.11(g) of the Guidelines cumulative effects analysis
- 40 CFR 230.11(h) of the Guidelines secondary impacts
- Magnuson-Stevens Act Essential Fish Habitat

WHEREFORE,

ManaSota-88, Inc., formally requests that EPA require an EIS for the NPDES permit to Kampachi Farms, LLC (Permit No. FL0A0000).

Respectfully submitted this 28th day of September 2019.

Sincerely,



Glenn Compton
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We're on the Web!

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